

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1015-AIR-E TCEQ ID: RN105229538 CASE NO.: 33923**  
**RESPONDENT NAME: Sport Auto Enterprise, Inc.**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Sport Auto Enterprise, Inc., 1511 South W. W. White Road, San Antonio, Bexar County</p> <p><b>TYPE OF OPERATION:</b> Used car lot</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 26, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2134;     Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> Mr. Blake Ghidarpour, President, Sport Auto Enterprise, Inc., 1511 South W. W. White Road, San Antonio, Texas     78220     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 18, 2007</p> <p><b>Date of NOE Relating to this Case:</b> June 15, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation for compliance with the air program. One significant program violation was observed. The vehicle was sold and shipped to Mexico.</p> <p><b>AIR</b></p> <p>Allegedly offered a vehicle for sale without the proper pollution control equipment. Specifically, a 1996 Chevrolet pickup, Vehicle Identification No. ("VIN") 1GCGC24R4TZ212703, did not have a catalytic converter on either exhaust pipe coming out of the engine [30 TEX. ADMIN. CODE § 114.20(c)(1), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$500</p> <p><b>Total Deferred:</b> \$100  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$100 (remaining \$300 due in three monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that on May 31, 2007, the Respondent sold the 1996 Chevrolet pickup, VIN No. 1GCGC24R4TZ212703.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that vehicles are equipped with the proper pollution control equipment prior to offering for sale; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.</p>

Additional ID No(s): None



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	25-Jun-2007	Screening	25-Jun-2007	EPA Due	N/A
	PCW	20-Jul-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	Sport Auto Enterprise, Inc.		
Reg. Ent. Ref. No.	RN105229538		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	33923	No. of Violations	1
Docket No.	2007-1015-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Suzanne Walrath
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes

The Respondent has not had any enforcement actions within the last five years.

**Culpability** 0% Enhancement Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts **\$382** 0% Enhancement\* Subtotal 6 **\$0**  
 Approx. Cost of Compliance **\$850** \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$500**

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Adjustment** **\$0**

Notes

**Final Penalty Amount** **\$500**

### STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** **\$500**

### DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20%

Reduction

**Adjustment** **-\$100**

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$400**

Screening Date 25-Jun-2007

Docket No. 2007-1015-AIR-E

PCW

Respondent Sport Auto Enterprise, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33923

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN105229538

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The Respondent has not had any enforcement actions within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 25-Jun-2007

Docket No. 2007-1015-AIR-E

PCW

Respondent Sport Auto Enterprise, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33923

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN105229538

Media [Statute] Air

Enf. Coordinator Suzanne Walrath

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 114.20(c)(1), and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

The facility offered a vehicle for sale without the proper pollution control equipment. Specifically, a 1996 Chevrolet pickup, Vehicle Identification No. ("VIN") 1GCGC24R4TZ212703, did not have a catalytic converter on either exhaust pipe coming out of the engine.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A vehicle with missing or inoperable emission control devices could result in the release of an insignificant amount of emissions at levels that are not harmful to human health or the environment.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$382

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

**Economic Benefit Worksheet****Respondent** Sport Auto Enterprise, Inc.**Case ID No.** 33923**Reg. Ent. Reference No.** RN105229538**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	18-May-2007	3-Sep-2008	1.3	\$32	n/a	\$32

**Notes for DELAYED costs**

This is the estimated cost to develop and begin implementing measures designed to ensure that vehicles are equipped with the proper pollution control equipment prior to offering for sale, beginning on the date of the investigation, and ending on the projected date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$350	18-May-2007	31-May-2007	0.0	\$0	\$350	\$350
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

This is the estimated avoided cost of a catalytic converter, beginning on the date of the investigation, and ending on the date the car was sold to a wholesale car dealer and was shipped to Mexico.

**Approx. Cost of Compliance****\$850****TOTAL****\$382**

# Compliance History

Customer/Respondent/Owner-Operator: CN603192345 Sport Auto Enterprise, Inc. Classification: AVERAGE Rating: 3.01  
Regulated Entity: RN105229538 SPORT AUTO ENTERPRISE INC Classification: AVERAGE BY DEFAULT Site Rating: 3.01  
ID Number(s):  
Location: 1511 S WW WHITE RD, SAN ANTONIO, TX, 78220 Rating Date: 9/1/2006 Repeat Violator: NO  
TCEQ Region: REGION 13 - SAN ANTONIO  
Date Compliance History Prepared: July 16, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 16, 2002 to July 16, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Suzanne Walrath Phone: 512/239-2134

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 06/20/2007 (563359)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SPORT AUTO ENTERPRISE, INC.  
RN105229538**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1015-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sport Auto Enterprise, Inc. ("Sport Auto") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Sport Auto, appear before the Commission and together stipulate that:

1. Sport Auto owns and operates a used car lot at 1511 South W. W. White Road in San Antonio, Bexar County, Texas (the "Dealership").
2. The Dealership consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Sport Auto agree that the Commission has jurisdiction to enter this Agreed Order, and that Sport Auto is subject to the Commission's jurisdiction.
4. Sport Auto received notice of the violations alleged in Section II ("Allegations") on or about June 20, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sport Auto of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Hundred Dollars (\$500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sport Auto has paid One Hundred Dollars (\$100) of the administrative penalty and One Hundred Dollars (\$100) is deferred contingent upon Sport Auto's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of



this Agreed Order. If Sport Auto fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Sport Auto to pay all or part of the deferred penalty.

The remaining amount of Three Hundred Dollars (\$300) of the administrative penalty shall be payable in three monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Sport Auto fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Sport Auto to meet the payment schedule of this Agreed Order constitutes the failure by Sport Auto to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Sport Auto have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on May 31, 2007, Sport Auto sold the 1996 Chevrolet pickup, Vehicle Identification No. ("VIN") 1GCGC24R4TZ212703.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Sport Auto has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Dealership, Sport Auto is alleged to have offered a vehicle for sale without the proper pollution control equipment, in violation of 30 TEX. ADMIN. CODE § 114.20(c)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 18, 2007. Specifically, a 1996 Chevrolet pickup, VIN No. 1GCGC24R4TZ212703, did not have a catalytic converter on either exhaust pipe coming out of the engine.

## **III. DENIALS**

Sport Auto generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Sport Auto pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Sport Auto's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sport Auto Enterprise, Inc., Docket No. 2007-1015-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that vehicles are equipped with the proper pollution control equipment prior to offering for sale; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Air Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon Sport Auto. Sport Auto is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Dealership operations referenced in this Agreed Order.
4. If Sport Auto fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Sport Auto's failure to comply is not a violation of this Agreed Order. Sport Auto shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Sport Auto shall notify the Executive Director within seven days after Sport Auto becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Sport Auto shall be made in writing to the Executive Director. Extensions are not effective until Sport Auto received written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Sport Auto in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Sport Auto, or three days after the date on which the Commission mails notice of the Order to Sport Auto, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





Sport Auto Enterprise, Inc.  
DOCKET NO. 2007-1015-AIR-E  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

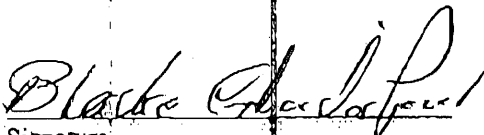
4/10/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

4-4-08  
Date

Name (Printed or typed):  
Authorized Representative of  
Sport Auto Enterprise, Inc.

PRESIDENT  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

